



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, U.S. ARMY GARRISON ALASKA
600 RICHARDSON DRIVE # 6000
FORT RICHARDSON ALASKA 99505.6000



MEMORANDUM OF AGREEMENT
BETWEEN
UNITED STATES ARMY GARRISON ALASKA
AND
U.S. ARMY MEDICAL DEPARTMENT ACTIVITY-ALASKA
AND
THE STATE OF ALASKA
DEPARTMENT OF HEALTH AND SOCIAL SERVICES

SUBJECT: Child Protective Services

1. References.

- a. DoDI i1000.19, Interservice and Intragovernmental Support, dated 9 August 1995.
- b. Army Regulation (AR) 608-18, The Army Family Advocacy Program, dated 1 September 1995.
- c. AR 5-9, Area Support Responsibilities, dated 16 October 1998
- d. Code of Federal Regulations (CFR), Title 32 (National Defense), Volume 3, Chapter V, Department of the Army, Subpart G, Litigation, revised 1 July 2000.
- e. U.S. Army Alaska (USARAK) Policy Memorandum O-16, Command Response to Domestic Abuse Incidents, dated 27 November 2002.

2. Purpose. To delineate responsibilities and establish working relationships between U.S. Army Garrison Alaska (USAG-AK) at Fort Richardson, U.S. Army Medical Department Activity-Alaska (MEDDAC-AK) and the State of Alaska, Department of Health and Social Services, Division of Family and Youth Services (DFYS) at Anchorage, Alaska.

3. Problem. 'The State of Alaska, through the State Department of Health and Social Services, and under the authority granted by Alaska Statute 47.10.010, is responsible for the protection of abused children within the Fourth Judicial District. The Fort Richardson Post Commander, through his or her authority as **commander**, and through the specific authority granted to him or her under the Army Family Advocacy Program (AR 608-18), is responsible for the protection of abused children of Army families within the command, as well as maintaining law, order and discipline on the installation. Because the Post Commander's authority to provide protection is limited by the lack of a federal judicial framework in which the status of children can be adjudicated, and is limited in matters where judicially managed remedies can be mandated, Fort Richardson must rely on the State of Alaska Superior Court to exercise it; authority, when necessary, in cases of abused children of Army families. The exercise of the court's jurisdiction in cases of child abuse arising on the installation is authorized because the State of Alaska and the U.S. Army have concurrent jurisdiction on Fort Richardson.

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4. Scope.

a. This Memorandum of Agreement (MOA) is not intended to create additional jurisdiction nor to limit or modify the existing jurisdiction vested in the parties. The intent is to allow the Post Commander to work in tandem with the State of Alaska for matters pertaining to the protection of children of Army families.

b. This MOA supersedes all previous agreements between the State of Alaska juvenile authorities and Fort Richardson, pertaining to child abuse and misconduct towards children.

5. Understandings and Responsibilities

a. Definitions.

(1) The State of Alaska Superior Court, hereinafter referred to as "the Court," is the court empowered with original jurisdiction to adjudicate child abuse cases in Alaska.

(2) The State of Alaska, Department of Health and Social Services, Division of Family and Youth Services, hereinafter referred to as DFYS, is the agency primarily responsible for the intake, investigation, and management of child abuse cases in Alaska.

(3) Social Work Services, hereinafter referred to as SWS, is the agency of the Fort Richardson Medical Treatment Facility, hereinafter referred to as the MTF, which is primarily responsible for the intake, assessment, and management of on-post child abuse related incidents and for collection of information pertaining to off-post child abuse incidents involving dependents of Army service members.

(4) The Family Advocacy Program, hereinafter referred to as FAP, is the Army program, established by Army **Regulation** 608-18, designed to promote the growth, development, and general welfare of children of Army families by coordinating human services provided to such children and by interceding on their behalf when necessary.

(5) The Fort Richardson Case Review Committee, hereinafter referred to as CRC, is a multi-disciplinary team appointed by the Fort Richardson Post Commander and supervised by the MTF Commander, to review cases involving Army children and families where the children have been or are suspected of having been abused. The CRC decides whether to substantiate allegations of child abuse or neglect involving Army families and makes recommendations for **treatment** of offenders and **victims**.

(6) The Provost Marshal, hereinafter referred to as the PM, coordinates all law enforcement activity on Fort Richardson. The PM coordinates investigations of crimes involving child abuse on the installation with the U.S. Army Criminal Investigation **Command**, and federal and state law enforcement authorities, as appropriate.

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(7) The PM serves as the Report Point-of-Contact, hereinafter referred to as the RPOC, for Fort Richardson and is available 24 hours a day to receive all reports of child abuse involving Army families that occur on or off post. The RPOC notifies the Post Commander and all agencies required to be notified by regulation, this MOA, and by USARAK Policy Memo #0-16, Command Response to Domestic Abuse Incidents.

(8) 'Child abuse includes physical abuse, sexual abuse and child neglect. Child abuse is the physical or mental injury, sexual abuse or exploitation, negligent treatment, or maltreatment of a child under the age of 18 by a person(s) (including any employee of a residential facility or any staff person providing out-of-home care who is responsible for the child's welfare), under circumstances which indicate that the child's health or welfare is harmed or threatened.

(9) An off-post incident is an act of child abuse involving a" Army family member, which occurs outside of the boundaries of Fort Richardson.

(10) An on-post incident is a" act of child abuse involving an Army family member, which occurs within the boundaries of Fort Richardson, or which is transferred to Fort Richardson from sources outside of the command (for example, a case transferred from another military installation).

(11) Army related incident is a" act of child abuse within the Anchorage metro area not involving a child of an Army family, but of interest to Fort Richardson authorities by virtue of the Army status of the alleged abuser, or of the occurrence of the incident within the boundaries of Fort Richardson.

(12) Child of an Army family member is a person under the age of 18 who is a natural child, adopted child, stepchild, foster child, or ward of any soldier, regardless of rank or location of duty assignment, and of any other Army service member stationed at Fort Richardson.

b. Report and Notification Requirements. Every soldier and civilian member of the Army community is encouraged to report non-privileged information about known and suspected cases of child abuse to the RPOC or the appropriate military law enforcement agency. Certain positions are required to report information about known and suspected cases of child abuse (for example, law enforcement personnel, social workers, medical personnel, Child Development Center, School Age Services and Youth Services employees). The RPOC or the appropriate agency will notify DFYS or other civilian authorities, as appropriate, of all incidents of child abuse, in addition to notifying the appropriate authorities as required by Army regulation, this MOA and local command policy. DFYS will likewise notify the Army RPOC and the SWS of all incidents of child abuse not received from the RPOC or SWS involving a child of an Army family member assigned to Fort Richardson. Additionally, the RPOC will notify the Chief of SWS and the FAP Victim Advocate for timely assessment and support services purposes.

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c. Intake Procedures.

(1) DFYS and SWS share joint responsibility for the intake of information regarding child abuse incidents. On-post SWS and military law enforcement personnel may initially investigate incidents. Social workers participating in the investigation of on-post incidents will coordinate efforts with DFYS when appropriate. Prior to entering the installation for any investigation, the DFYS investigator will notify the PM's office and request assistance, if required. Off-post incidents will be investigated by DFYS with assistance by other civilian authorities. When requested and upon approval by post authorities, SWS social workers may assist in an assessment of an off-post incident. Army related incidents occurring within the boundaries of the installation will be investigated initially by military authorities to determine the extent of military criminal and administrative interests involved, and will thereafter be reported promptly to DFYS or other civilian authorities as appropriate.

(2) When a report of child abuse is received by SWS, they will immediately report information about the case to DFYS and the RPOC. Similarly, DFYS, upon receiving a report of child abuse involving the children of Army families from sources other than SWS, will notify the RPOC and provide SWS the case information as expeditiously as possible.

(3) Upon receipt of a report of an on-post incident, DFYS will seek, in appropriate cases, authority for temporary protective custody through the civilian court system. DFYS will keep SWS informed regarding DFYS action to initiate child protective proceedings, placement of the child(ren), hearing dates and times, and any services being provided.

(4) Children who are removed from their homes on the installation through DFYS protective custody action, for their own protection, may be examined at the MTF, as needed, prior to being taken off of the installation. Parental consent for a medical examination in such cases is not required when the parent(s) is the suspected abuser, but should be obtained if possible.

d. SWS Responsibilities.

(1) Appoint a case manager to monitor all family cases eligible for care at the MTF. The case manager will also act as the principle Point of Contact (POC) for SWS concerning individual cases, including coordinating with the DFYS social worker concerning the assessment/evaluation of the incident and taking appropriate action to protect the health/welfare of the child(ren) in cooperation with DFYS.

(2) Upon receiving a report of child abuse or neglect, SWS will:

(a) Notify the RPOC if not already notified and report to DFYS the allegation and/or the incident and provide the name of the case manager.

(b) Inform the soldier's commander of the incident and brief on confidentiality.

(c) Arrange for the presentation of the case to the CRC for evaluation and action.

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(3) Coordinate case transfers within the Continental United States (CONUS) and overseas commands.

(4) Coordinate the provision of necessary expert psychological care for offenders (usually accomplished by SWS or the case manager) and other necessary clinical assessment and treatment.

(5) Coordinate inquiries from DFYS regarding child abuse cases of active duty personnel at other military installations (POC 384-0405/0318).

e. MTF Responsibilities.

(1) Ensure all cases of suspected child abuse are reported to the RPOC and SWS.

(2) Chief, Patient Administration Division, is responsible for handling requests for the release of written information regarding clinical assessment and treatment for child abuse/neglect. Each request may also be forwarded to the Chairperson, CRC, where appropriate or necessary. Requests for such information must be made in accordance with Title 32, CFR 516, subpart G and must be in writing at least 14 days in advance. Requests must include a signed parental or guardian consent for such release of information. When parents refuse consent, a court order signed by a judge, not the clerk of court or attorney, showing that DFYS has legal custody of the child(ren) or authorizing or directing the release of records is sufficient.

f. DFYS Responsibilities.

(1) Provide a liaison worker who will be present at the bi-monthly meetings of CRC/DFYS for Anchorage/Fort Richardson cases only when a child case is being reviewed. Due to DFYS staffing shortages, the CRC agrees to attempt to schedule child cases first so the DFYS representative may leave afterwards.

(2) Receive reports provided by SWS regarding all cases of child abuse/neglect that are reported to the MTF. DFYS is the agency mandated by state law to receive reports of suspected child abuse/neglect and serves as the link with the Superior Court and civilian law enforcement.

g. Court Representation. Presentation of cases to the court is the responsibility of DFYS working in conjunction with the state attorney. However, representatives of the FAP/SWS may be made available in appropriate cases to provide testimony in cases before the court, when properly requested to do so in accordance with Title 32, CFR 516, subpart G.

h. Treatment Programs.

(1) It is the policy of all parties to this agreement that, within budgeting, personnel and regulatory constraints, all available medical and social assets for use in treatment programs will be used. In all cases involving the abuse of children of Army families, any assets of Fort

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Richardson, which are available for use in aid of treatment, may be integrated into DFYS or court-mandated treatment plans. The FAP will determine the availability of assets with the concurrence of the MTF Commander or the Fort Richardson Post Commander, when necessary.

(2) In the event an SWS treatment program requires intervention by the court, DFYS, working in conjunction with the state attorney, will seek appropriate judicial remedies, including any necessary modifications to the existing treatment program and will assume primary responsibility for the implementation of any subsequent court-ordered treatment plan.

i. Record Access. Access to Army records needed by state or local authorities for the investigation, processing, treatment or prosecution of child abuse cases may be made available by the appropriate records custodian according to applicable law and regulations. Request for medical records should be made in accordance with paragraph 5.e.(2) of this MOA.

j. Communication. Effective execution of this agreement can only be achieved through constant communication and through consistent dialogue between the parties. Therefore, the agents of this MOA agree that all parties will maintain open discussion of cases and that resulting channels of communication will be used whenever questions, misunderstandings, or complaints arise.

k. Cooperation. The Post Commander will ensure the cooperation of all Fort Richardson officials with state and local representatives.

1. Foster Care. DFYS agrees that it will not place any child(ren) in foster care in Army housing quarters unless the receiving family has obtained written permission from the Fort Richardson Post Commander and they present such documentation to DFYS. DFYS will coordinate with the FAP Manager for the screening of Army families residing on Fort Richardson who desire to become foster parents. Similarly, on post placement of abused children must be coordinated with the FAP Manager prior to making placement, as this has the potential to undermine their safety. Additionally, on-post foster care placement of juveniles must be reviewed by the FAP Manager to determine the appropriateness of the placement and to obtain Post Commander approval for the child to reside in Army housing. DFYS will ensure that all of the foster care agencies that it licenses will abide by the procedures of this paragraph.

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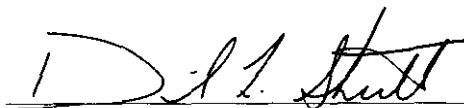
6. Effective Date. This MOA becomes effective upon the date of the last signature and shall remain in effect until such time as terminated by mutual agreement of the parties hereto. Requesting parties shall provide written notification for any desired renegotiation and/or amendments to provisions contained in this agreement.



TRAVIS ERICKSON
Children's Services Manager
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Services, State of Alaska

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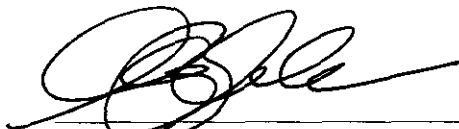
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DAVID L. SHUTT
LTC, AR
Post Commander

3-26-03

(Date)



W. BRYAN GAMBLE
COL, MC
MEDDAC-AK Commander

4/14/2003

(Date)